

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

ALI-SEENA SAHEEM,	:	Case No. 1:16-cv-491
	:	
Petitioner,	:	Judge Timothy S. Black
	:	Magistrate Judge Stephanie K. Bowman
vs.	:	
	:	
UNITED STATES ATTORNEY	:	
GENERAL,	:	
	:	
Respondent.	:	

**DECISION AND ENTRY
ADOPTING THE REPORT AND RECOMMENDATION (Doc. 5)
OF THE UNITED STATES MAGISTRATE JUDGE**

This case is before the Court pursuant to the Order of General Reference in the United States District Court for the Southern District of Ohio Western Division to United States Magistrate Judge Stephanie K. Bowman. Pursuant to such reference, the Magistrate Judge reviewed the pleadings filed with this Court, and, on May 24, 2016, submitted a Report and Recommendation. (Doc. 5). No objections were filed.¹

¹ The Court notes that although proper notice was served upon Petitioner, the copy of the Report and Recommendation which the Clerk mailed to Petitioner was returned to the Court due to Petitioner's failure to apprise the Court of his change of address. (Doc. 8). By failing to keep the Court apprised of his current address, Petitioner demonstrates a lack of prosecution of his action. *See, e.g., Theede v. United States Dep't of Labor*, 172 F.3d 1262, 1265 (10th Cir.1999) (failure to object to a Magistrate Judge's recommendation, due to delay resulting from a party's failure to bring to the court's attention a change in address, constitutes failure to object in a timely manner. Because the recommendation was mailed to the last known address, it was properly served, and the party waived his right to appellate review); *see also Barber v. Runyon*, 23 F.3d 406 (6th Cir. 1994).

As required by 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72(b), the Court has reviewed the comprehensive findings of the Magistrate Judge and considered *de novo* all of the filings in this matter. Upon consideration of the foregoing, the Court does determine that the Report and Recommendation (Doc. 5) should be and is hereby **ADOPTED** in its entirety.

Accordingly, for the foregoing reasons:

1. Petitioner's motion to withdraw his petition for writ of habeas corpus (Doc. 4) is **GRANTED**;
2. The petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241 (Doc. 1) is **DISMISSED** without prejudice.

IT IS SO ORDERED.

Date: 6/13/2016

/s/Timothy S. Black
Timothy S. Black
United States District Judge